

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**165.00****Complete if Known**

|                      |                     |
|----------------------|---------------------|
| Application Number   | 09/468,471          |
| Filing Date          | 12/21/99            |
| First Named Inventor | Vincent Divino, Jr. |
| Examiner Name        | Patricia Bianco     |
| Art Unit             | 3762                |
| Attorney Docket No.  | PA060-US            |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number

50-1769

Deposit Account Name  
TherOx, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity        |          | Small Entity |          | Fee Description        | Fee Paid    |
|---------------------|----------|--------------|----------|------------------------|-------------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |                        |             |
| 1001                | 770      | 2001         | 385      | Utility filing fee     |             |
| 1002                | 340      | 2002         | 170      | Design filing fee      |             |
| 1003                | 630      | 2003         | 265      | Plant filing fee       |             |
| 1004                | 770      | 2004         | 385      | Reissue filing fee     |             |
| 1005                | 160      | 2005         | 80       | Provisional filing fee |             |
| <b>SUBTOTAL (1)</b> |          |              |          |                        | <b>(\$)</b> |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    |                      | Extra Claims |                      | Fee from below | Fee Paid             |
|--------------------|----------------------|--------------|----------------------|----------------|----------------------|
| Total Claims       | <input type="text"/> | -20** =      | <input type="text"/> | X              | <input type="text"/> |
| Independent Claims | <input type="text"/> | -3** =       | <input type="text"/> | X              | <input type="text"/> |
| Multiple Dependent | <input type="text"/> |              | <input type="text"/> |                | <input type="text"/> |

| Large Entity        |          | Small Entity |          | Fee Description  | Fee Paid    |
|---------------------|----------|--------------|----------|--|-------------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |  |             |
| 1202                | 18       | 2202         | 9        | Claims in excess of 20                                     |             |
| 1201                | 86       | 2201         | 43       | Independent claims in excess of 3                          |             |
| 1203                | 290      | 2203         | 145      | Multiple dependent claim, if not paid                      |             |
| 1204                | 86       | 2204         | 43       | ** Reissue independent claims over original patent         |             |
| 1205                | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |             |
| <b>SUBTOTAL (2)</b> |          |              |          |  | <b>(\$)</b> |

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code  | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|---|----------|----------|----------|--|----------|
| 1051  | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052  | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053  | 130      | 1053     | 130      | Non-English specification  |          |
| 1812  | 2,520    | 1812     | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804  | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805  | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251  | 110      | 2251     | 55       | Extension for reply within first month                                     | 55.00    |
| 1252  | 420      | 2252     | 210      | Extension for reply within second month                                    |          |
| 1253  | 950      | 2253     | 475      | Extension for reply within third month                                     |          |
| 1254  | 1,480    | 2254     | 740      | Extension for reply within fourth month                                    |          |
| 1255  | 2,010    | 2255     | 1,005    | Extension for reply within fifth month                                     |          |
| 1401  | 330      | 2401     | 165      | Notice of Appeal   |          |
| 1402  | 330      | 2402     | 165      | Filing a brief in support of an appeal                                     |          |
| 1403  | 290      | 2403     | 145      | Request for oral hearing   |          |
| 1451  | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452  | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453  | 1,330    | 2453     | 665      | Petition to revive - unintentional   |          |
| 1501  | 1,330    | 2501     | 665      | Utility issue fee (or reissue)   |          |
| 1502  | 480      | 2502     | 240      | Design issue fee   |          |
| 1503  | 640      | 2503     | 320      | Plant issue fee  |          |
| 1460  | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807  | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806  | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021  | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809  | 770      | 2809     | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810  | 770      | 2810     | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801  | 770      | 2801     | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802  | 800      | 1802     | 800      | Request for expedited examination of a design application                  |          |
| Fee code 2814 Statutory Disclaimer under 37 CFR 1.20(d) |          |          |          |  | 110.00   |

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**165.00****SUBMITTED BY**

Name (Print/Type) Margaret A. Kivinski, P.E., Esq.

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Signature

Margaret A. Kivinski

Date September 7, 2004

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